

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-CR-153

v.

Hon. Janet T. Neff

GREGORY DARNELL BEAL,

Defendant.

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**ORDER FOR COMMITMENT PENDING A  
PSYCHIATRIC-COMPETENCY EVALUATION**

Defendant has been indicted and is awaiting trial on bank robbery charges in violation of 18 U.S.C. § 18:2113(a) and (d). This case is presently before the court upon motion of defendant, through counsel, for a competency hearing following a psychiatric and/or psychological examination pursuant to 18 U.S.C. § 4241 and 4242<sup>1</sup> (docket no. 11). The government does not oppose the motion. Based upon the representations made by defense counsel, and defendant's previous psychiatric history as set forth in the Presentence Report, the court finds there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent within the meaning of § 4241(a), and may have been insane at the time of the offense, sufficient to grant the motion for professional evaluation. Accordingly,

1. Defendant shall be committed to the custody of the Attorney General for placement in a suitable facility for the purpose of having psychiatric or psychological examinations conducted

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<sup>1</sup>Defense counsel suggested at arraignment that the motion should extend to examinations for both competency to stand trial and the question of insanity.

by a licensed or certified psychiatrist or psychologist of that facility, pursuant to § 4241 and 4242. The examination shall be performed within a reasonable period not to exceed forty-five (45) days. Upon a showing of good cause that additional time is necessary for observation and evaluation of the defendant, the court will grant an extension of time not to exceed thirty (30) days. 18 U.S.C. § 4247(b).

2. A psychiatric or psychological report shall be prepared and filed with the court in accordance with § 4247(c), said report to include:

- A. Defendant's history and present symptoms;
- B. A description of psychiatric, psychological and medical tests that were employed and their results;
- C. The examiner's findings; and
- D. The examiner's opinions as to diagnosis, prognosis, and
  - 1. Whether defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and
  - 2. Whether defendant suffered from such mental disease or defect which rendered him insane at the time of the offense for which he is charged.

3. The defendant may be given any necessary medication as deemed appropriate by the medical staff at the facility.

4. The psychiatrist/psychologist shall have access to any Pretrial Services Reports completed on the defendant in the instant case.

5. The psychiatrist/psychologist shall be allowed access to all available medical records on the defendant; and

6. Upon receipt of the report, a hearing shall be scheduled in accordance with the provisions of § 4247(d) to determine the competency of the defendant and his ability to properly assist in his defense and to understand the nature and consequences of the proceedings against him. 18 U.S.C. § 4241(a).

IT IS FURTHER ORDERED that the United States Marshal, or his authorized deputy, shall transport the defendant to and from the facility(ies) designated by the Bureau of Prisons.

IT IS FURTHER ORDERED that should defendant be prescribed and taking medication while he is undergoing his evaluation at a Bureau of Prisons' facility, that the United States Marshals ensure that such medication is continued to be provided to defendant, including while in transit and continuing while he is in custody awaiting his next court date.

The period of time until the issue of defendant's competency is taken under advisement after receipt by the court for the results of the psychiatric and/or psychological examination of defendant and completion of any hearing on that issue shall be excusable time for the purposes of The Speedy Trial Act. 18 U.S.C. § 3161(h)(1).

IT IS SO ORDERED.

Dated: June 20, 2008

/s/ Hugh W. Brenneman, Jr.  
Hugh W. Brenneman, Jr.  
United States Magistrate Judge